

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HYDRO-PHOTON, INC.,
Plaintiff,

V.

MERIDIAN DESIGN, INC.,
Defendant.

C.A. No. 05-11240 GAO

**DEFENDANT MERIDIAN DESIGN, INC.’S SUBMISSION
OF ITS PROPOSED CLAIM CONSTRUCTION**

Defendant Meridian Design, Inc. (“Meridian”) hereby submits its proposed construction of claims 7-10 of the patent-in-suit, U.S. Patent No. 6,110,424 (“the ‘424 patent”), as set forth in the accompanying claim chart. Plaintiff has asserted only claims 7-10 of the ‘424 patent against Meridian.

Meridian further states that limitations of claims 7-10 that are not addressed in the accompanying claim chart do not need to be construed by the Court and should be construed according to their plain meaning.

Dated: November 10, 2005

Respectfully submitted,

/s/Christopher Centurelli/s/
Jeffrey L. Snow (BBO #566388)
Christopher Centurelli (BBO #330860)
KIRKPATRICK & LOCKHART
NICHOLSON GRAHAM LLP
75 State Street
Boston, MA 02109-1808
(617) 261-3100

Peter Midgley
Matthew Whipple
HOLLAND & MIDGLEY, LLP
P.O. Box 1840
Boise, ID 83701
(208) 336-1234

Attorneys for Defendant
Meridian Design, Inc.

*Hydro-Photon, Inc. v. Meridian Design, Inc. (C.A. No. 05-11240 GAO)*Defendant Meridian Design, Inc.'s Proposed Claim Construction
of U.S. Patent No. 6,110,424 (Claims 7-10 only)

ASSERTED CLAIMS	PROPOSED CONSTRUCTION*
7. A hand-held system for purifying unsterilized water, the system including:	“ <u>Hand-held</u> ” means held in a user’s hand. (Col. 1, ll. 62-66; col. 2, ll. 27-31; col. 3, ll. 1-4; FIG. 1 and FIG. 2.)
A. a drinking container having at one end an opening through which water both enters and exits the container and a second closed end for holding the water in the container;	“ <u>Drinking container</u> ” means a container for drinking, i.e., a drinking glass. (Col. 3, ll. 19-21 and 39-42.)
B. a case with an outwardly extending ultraviolet light source, the light source for submerging in the unsterilized water that is held in the drinking container and providing ultraviolet emissions that purify the unsterilized water,	“ <u>Ultraviolet light source</u> ” means a lamp which emits ultraviolet light. (Col. 2, ll. 29-32.) “ <u>Submerging</u> ” means fully immersing. (Col. 2, ll. 6-8; col. 3, ll. 8-12.)
C. control means for turning the light source on and off, the control means being contained in the case.	“ <u>Control means</u> ” is a means-plus-function limitation. <i>See</i> 35 U.S.C. 112 ¶ 6. The function performed by the “control means” is turning the light source on and off. The corresponding structure is described at column 3, lines 8-12 and lines 21-28 and includes at least the combination of a liquid-level sensor 20 and an on-off switch 28, as well as the structural equivalents of such a combination. (Col. 2, ll. 44-47; col. 3, ll. 8-12 and ll. 21-28.) “ <u>Contained in the case</u> ” means inside the case; encased. (Col. 2, ll. 66-67).

* And supporting references in the ‘424 patent’s specification

*Hydro-Photon, Inc. v. Meridian Design, Inc. (C.A. No. 05-11240 GAO)*Defendant Meridian Design, Inc.'s Proposed Claim Construction
of U.S. Patent No. 6,110,424 (Claims 7-10 only)

ASSERTED CLAIMS	PROPOSED CONSTRUCTION*
8. The system of claim 7 further including a liquid-level sensor that prevents the light source from turning on until the light source is immersed in water.	“ <u>Liquid-level sensor</u> ” means a sensor which detects the presence of water. (Col. 2, ll. 45-60.)
9. The system of claim 8 further including a timing circuit that turns the light source off a predetermined time after the sensor allows the light source to turn on.	Defendant believes no terms in this claim need to be construed by the Court at this time.
10. The system of claim 8 wherein the means for turning on the light source includes a battery.	The “ <u>means</u> ” is a means plus function limitation which lacks proper antecedent basis. <i>See</i> 35 U.S.C. 112 ¶¶ 2 & 6. The function performed by the “means” is turning on the light source. The corresponding structure is not disclosed in the specification.